

**PROVISO SUBCOMMITTEE
TRANSPORTATION & REGULATORY
RECOMMENDATIONS FOR FY 2020-21
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

81.fr CONFORM TO FUNDING / ADD (First Responder PTSD Treatment) **PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct the department to distribute first responder PTSD treatment funds to the SC Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who sustain mental injury as a result of a critical incident during the scope of their employment, for out-of-pocket expenses not covered through workers' compensation and/or other insurance. Allow the funds to also be used to provide services through FAST. Direct the department to promulgate any necessary administrative regulations.

81.fr. (LLR: First Responder PTSD Treatment) Of the funds appropriated to the Department of Labor, Licensing and Regulation, State Fire Marshal's Office for first responder PTSD treatment, the department shall distribute funds to the South Carolina Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through workers compensation claims and/or other insurance. The funds may also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The department shall promulgate any administrative regulations necessary to carry out this provision.

81.mou ADD (Mobile Optometry Units) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that location and site restrictions on services provided by mobile units for optometry in Section 40-37-320(B) [PUBLICIZING OFFICE HOURS; MOBILE UNITS; PROMULGATION OF REGULATIONS PERTAINING TO OPTOMETRY OFFICES.] shall be suspended for FY 2020-21. Direct the department and board to process and issue registrations for mobile units to provide services by a South Carolina licensed optometrist through a not-for-profit program on the site of a Title I public school for students attending the school. Direct the board to issue the registration within 10 days of receiving the request and \$10 registration fee.

81.mou. (LLR: Mobile Optometry Units) In furtherance of expanding access to health care in unserved and underserved populations, the location and site restriction on services provided by mobile units for optometry in Section 40-37-320(B) of the 1976 Code shall be suspended for Fiscal Year 2020-21. The department and the Board of Examiners in Optometry are directed to process and issue registrations for mobile units to provide optometry services on the site of a Title I public school to students attending the school, provided the services are rendered as part of a not-for-profit program and are provided by an optometrist licensed to practice in South Carolina. The registration shall be administratively issued by the board within ten days after receipt of a registration request and following payment of a ten dollar registration fee to cover administrative costs.

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

82.2 AMEND (Cost Recovery Fee/Sale of Photos or Digitized Images) Authorizes DMV to collect and retain fees, not to exceed rates charged as of February 1, 2001, to recover the costs of producing, purchasing, handling and mailing information and/or documents . Prohibits the sale of photographs taken for driver's licenses or personal identification cards.

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PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to allow the department to collect and retain fees to defray costs associated with fulfilling FOIA requests.

82.2. (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data sets. The department may collect and retain fees to defray the cost associated with fulfilling a Freedom of Information Act (FOIA) request. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public records. Funds derived from these sources shall be retained by the department.

82.3 **AMEND** (DPPA Compliance Audit) Authorizes DMV to charge fees to entities, other than state agencies, that purchase information from DMV to defray the costs associated with auditing and enforcing laws pertaining to the use of personal information. Directs the Comptroller General to place the funds in a special restricted account for the agency to use.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the directive that the Comptroller General place the funds in a special restricted account for the agency to use.

82.3. (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. ~~The Comptroller General shall place the funds into a special restricted account to be used by the department.~~

82.7 **DELETE** (Phoenix III Migration Pilot) Authorizes DMV, upon approval from DOA through the IT project governance process, to expend the remainder of the \$1,000,000 from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

82.7. (DMV: Phoenix III Migration Pilot) ~~In Fiscal Year 2019-20, the department shall be authorized to expend the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof of concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of Administration through the IT project governance process established by Proviso 117.113.~~

82.8 **AMEND** (Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID, except for the funds designated for the Phoenix III pilot.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the exception from using funds designated for the Phoenix III pilot.

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82.8. (DMV: Real ID) For Fiscal Year ~~2019-20~~ 2020-21, the Department of Motor Vehicles may expend any available earmarked cash reserves, ~~with the exception of the funds designated for the Phoenix III pilot,~~ on the implementation of Real ID.

82.10 **AMEND** (~~Minor~~ Identification Card Fees) Allows DMV to waive the \$5 fee collected for issuing ID cards to someone less than 17 years old if the issuance is through a state or federal agency partnership.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete “to someone less than 17 years old.”

82.10. (DMV: ~~Minor~~ Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the five dollar fee associated with issuing an identification card ~~to someone less than 17 years old~~ if the card issuance is through an established partnership with a state or federal agency.

82.nc **ADD** (Nonresident Citation) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that DMV may not to expend funds to disclose to another jurisdiction citation information on a uniform traffic ticket issued to a nonresident if the offense would not be included in motor vehicle records maintained by the department or criminal records maintained by SLED if the motorist had been a state resident.

82.nc. (DMV: Nonresident citation) In the current fiscal year, the Department of Motor Vehicles may not expend any funds appropriated or authorized in this act to disclose to another jurisdiction applicable citation information on a uniform traffic ticket issued to a nonresident if the offense, by law, would not be included in motor vehicle records maintained by the department or in the criminal records maintained by the State Law Enforcement Division had the offending motorist been a resident of this State. The prohibition contained in this provision includes, but is not limited to, expenses related to an employee’s time and the resulting compensation, copies, and postage.

SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

83.5 **AMEND** (UI Tax System Modernization) Authorizes DEW to spend up to \$2,749,690 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds be used to replace the agency’s unemployment tax information system with a modern technology solution. Prohibits the funds from being obligated after a 2-year period beginning July 1, 2018. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “\$2,749,690” to “\$1,738,150” and update the calendar year reference from “2018” to “2020.”

83.5. (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to ~~\$2,749,690~~ \$1,738,150 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment, and necessary services to replace the agency’s unemployment tax information system with a modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2018~~ 2020. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security

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Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.cp **ADD** (Compensatory Payment) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow exempt department employees to be paid for actual hours worked in lieu of accruing comp time during a Governor declared State of Emergency or in a situation requiring the use of the Secretary of Transportation’s authorities under Section 57-5-1620 [ADVERTISEMENT AND AWARD OF CERTAIN CONSTRUCTION CONTRACTS; EMERGENCY CONSTRUCTION, REPAIRS, OR PURCHASES].

84.cp. (DOT: Compensatory Payment) In the event a State of Emergency is declared by the Governor or in the event of a situation requiring the use of the Secretary of Transportation’s authorities under Section 57-5-1620 of the 1976 Code, exempt employees of the Department of Transportation may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Secretary of Transportation, and providing funds are available.

84.nfa **ADD** (Non-Federal Aid Highway Fund) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow funds in the Non-Federal Aid Highway Fund to be used for repairs, maintenance, and improvements to the existing transportation system.

84.nfa. (DOT: Non-Federal Aid Highway Fund) Funds deposited in the Non-Federal Aid Highway Fund established in Act 176 of 2005 may be used for repairs, maintenance, and improvements to the existing transportation system.

SECTION 87 - U300 - DIVISION OF AERONAUTICS

87.3 **AMEND** (Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports because those qualify for special funding under the DOT/FAA appropriations based on enplanements in the state.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “Jetport” to “International” in reference to the Myrtle Beach airport.

87.3. (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach ~~Jetport~~ *International*) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina.

SECTION 117 - X900 - GENERAL PROVISIONS

117.106 **AMEND** (Charleston & Dorchester County Sound Barriers) Directs DOT to take appropriate measures to allow Charleston and Dorchester counties to build sound barriers in DOT’s easements along I-26 within the borders of Charleston County and along Dorchester Road within Dorchester County; prohibits state or other DOT funds from being used as well as federal funds unless the local Metropolitan Planning Organization or COG has agreed to use a portion of their annual federal allocation to build sound barriers and directs that only local dollars can be used

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for such construction. Requires sound barriers meet all state and federal noise abatement guidelines and regulations. Provides for billboard relocation or adjustments.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~117.106. (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act, any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another location as close as practicable to the sign being relocated or adjust the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for re location or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq. of the 1976 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or altered.~~